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Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Arnold Schwarzenegger
Governor

Jill Wellman
US Navy, Naval Facilities Engineering Command
2585 Callagan Highway, Building 99
San Diego, CA 92136-5198

WATER QUALITY CERTIFICATION FOR PROPOSED NALF SAN CLEMENTE ISLAND WASTEWATER TREATMENT PLANT OUTFALL EXTENSION PROJECT (Corps' Project No. 2006-00122-KC), PACIFIC OCEAN, SANTA CLEMENTE ISLAND, WILSON COVE, LOS ANGELES COUNTY (File No. 05-200)

Dear Ms. Wilson:

Regional Board staff has reviewed your request on behalf of US Navy, Naval Facilities Engineering Command (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 17, 2006.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

[Original signed by]
Jonathan S. Bishop
Executive Officer

April 20, 2006
Date

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

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ATTACHMENT A

Project Information File No. 05-200

1. Applicant: Jill Wellman
US Navy, Naval Facilities Engineering Command
2585 Callagan Highway, Building 99
San Diego, CA

Phone: (619) 556-9759 Fax: (619) 556-8296
3. Project Name: NALF San Clemente Island Wastewater Treatment Plant Outfall Extension
4. Project Location: San Clemente Island, Wilson Cove, Los Angeles County

<u>Longitude</u>	<u>Latitude</u>
118° 32.5'	32° 59.5'
118° 32.8'	32° 59.8'
5. Type of Project: Wastewater treatment outfall replacement
6. Project Description:

Purpose:
The Applicant plans to build new facilities in the Wilson Cove area of San Clemente Island. In order to increase the wastewater treatment capacity on the island to accommodate the new facilities, the Applicant proposes to install a package tertiary wastewater treatment system (Treatment System). The Treatment System will help prevent the current San Clemente Island Wastewater Treatment Plant from exceeding the effluent average daily discharge rate defined in the current NPDES Permit. As part of the Treatment System, the Applicant proposes to replace the existing deteriorated Treatment Plant landward outfall.

Description:
Specific to this Certification, the outfall will be modified with a 450-foot seaward extension that would provide initial dilution of the wastewater discharge in order to bring it into compliance with the receiving water regulatory limits.

The Applicant proposes on a to-be-selected upland area adjacent to Wilson Cove. The project would include construction of a chlorine

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contact tank, and remotely placed information systems so that the package plant could be monitored from the main plant, and other various supporting facilities.

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| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 7 (Permit No. 2006-00122-KC) |
| 8. Other Required Regulatory Approvals: | California Coastal Commission Consistency Determination |
| 9. National Environmental Policy Act Compliance: | A Finding Of No Significant Impact (FONSI) for the proposed San Clemente Island Wastewater Treatment Plant Outfall was approved March 14, 2006. |
| 10. Receiving Water: | San Clemente Island (Hydrologic Unit No. 406.50), Area of Special Biological Significance 23 |
| 11. Designated Beneficial Uses: | MUN*, GWR, REC-1, REC-2, WARM, WILD, RARE

*Conditional beneficial use |
| 12. Impacted Waters of the United States: | Ocean/Estuary/Bay: 0.6 permanent acres (450 linear feet) |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | <p>The Environmental Assessment submitted with the application considers additional impacts arising from the proposed action with impacts of other known past, present, and reasonably foreseeable future actions at SCI, specifically those in the Wilson Cove vicinity.</p> <p>Two planned projects scheduled for 2007 and 2009 (P-740, P-741) involve constructing new Bachelor Enlisted Quarters along Wilson Cove Road North in the southwest portion of Wilson Cove due to</p> |

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the lack of adequate housing for enlisted personnel. Each new facility would be about 32,000 square feet and would provide housing for up to 90 personnel. The construction would include the demolition of five existing but structurally inadequate buildings.

The Navy also proposes to construct a new, 5,400-square-foot fire station at Wilson Cove and demolish the existing, inadequate facility. This project is scheduled for 2009.

The Navy proposes to construct a new Morale, Welfare, and Recreation complex in Wilson Cove that would include a gymnasium, bowling center, equipment rental center, consolidated all hands open mess/club, and exchange retail store. The existing recreation building constructed in 1943 would be demolished during construction. This project is currently planned for 2010.

The construction projects in Wilson Cove do not have potential adverse cumulative effects on the marine environment. The proposed action would have short-term, localized, and less than significant impacts on sediment quality, bathymetry, and water quality. Due to the limited scope of the impacts associated with the WWTP outfall extension, the potential for combined cumulative effects with other projects is minimal.

15. Avoidance/ Minimization Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- The duration of onshore construction activities shall be as brief as possible to minimize impact(s).
- Onshore construction will be halted prior to any rainfall.
- Onshore construction will not take place where there is standing water or water saturated grounds.
- Vehicles, equipment, and foot traffic will be directed within areas of previously disturbed soils.
- Vehicle fueling and maintenance will occur within a confined area that is at least 100 feet from the ocean.

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- Spill prevention and containment measures will be implemented.
- Sandbag barriers and/or hay bales will be placed across exposed slopes to minimize potential for soil erosion.
- Disturbed landward areas will be revegetated with native plant species. Sandbags and hay bales will be removed after the new vegetation has become established.
- All materials from the demolished outfall will be recycled or disposed at a legal point of disposal.
- Trenching will not be used to install the offshore portion of the outfall.
- The specific methods (scuba divers) used to install the offshore portion of the outfall will minimize disturbances to marine plant or animal life, as well as minimize disturbances to the seafloor that could otherwise result in potential suspension of bottom sediments and elevated turbidity levels.
- Offshore construction will be monitored by biologist divers during the offshore construction phase, and the installation will be monitored for pre and post habitat disturbances.
- An oil spill prevention plan would be implemented to prevent or minimize potentials for fuel spills from barges or supply vessels used for this project.

16. Proposed
Compensatory
Mitigation:

None

17. Required
Compensatory
Mitigation:

Pre-construction surveys shall be performed for *Caulerpa taxifolia* ("Caulerpa") within the project area in accordance with the Caulerpa Control Protocol.

The Applicant will implement a pre- and post-construction survey for surfgrass, eelgrass, kelp, and rocky habitat. Surfgrass, eelgrass, kelp, or rocky habitat lost due to the project impacts will be

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mitigated at a ratio of 1:1. If any of the habitat areas are not re-established within one year, the Applicant shall perform restoration and provide monitoring according to the mitigation monitoring requirements as described in Attachment B, condition No. 14.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 05-200

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Coastal Commission. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the Water Quality Control Plan, Los Angeles Region (1994).
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.
5. The outfall construction activity shall not impact natural water quality in the Area of Special Biological Significance outside of the exclusion zone.

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6. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
7. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
8. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
9. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
10. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
11. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
12. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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13. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State. If rain is predicted, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
15. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
17. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
18. All project and/or construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
19. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates.

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The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids(TSS)
- Downstream TSS shall be maintained at ambient levels
- Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

20. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
21. The Applicant shall submit Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project area. Additionally, the Applicant shall submit a site description, including dimensions of project areas, and pre and post- project photographs.
22. All applications, reports, or information submitted to the Regional Board shall be signed:
 - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.

Conditions of Certification
File No. 05-200

- ____ (Signature)
____ (Title)''

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28. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
29. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
30. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
31. This Certification shall expire five (5) years from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.